

FILED
KENNETH J. MURPHY
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN SAYYAH, ET AL

plaintiffs

-vs-

WAYNOKA P.O.A., ET AL

defendants

CASE NO. 1:01-cv-459

SENIOR JUDGE HERMAN WEBER

MAGISTRATE JUDGE
TIMOTHY HOGAN

DEFENDANT HERBERT FREEMAN'S
MEMORANDUM IN OPPOSITION
TO PLAINTIFFS' MOTION TO
ENLARGE TIME TO FILE OB-
JECTIONS TO MAGISTRATE
MICHAEL MERZ'S REPORT AND
RECOMMENDATIONS

Defendant Herbert E. Freeman, a licensed practicing attorney at law but herein proceeding pro se, formally objects to plaintiffs request to enlarge time to file objections, for the following reasons:

1. The report & recommendations of Magistrate Michael Merz was filed on October 20th of 2003. Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific written objections to the proposed findings and recommendations within ten days [emphasis added]. The last day to file objections would have been Thursday the 30th of October of 2003. Plaintiffs' objections were not filed until the following day. Furthermore no specificity exists.

2. Plaintiffs are vexatious litigators and serial abusers of process, allegations which have been well-documented in the responsive pleadings of various defendants. Hostile takeover specialists Sayyah & Frank in reality have no intention whatsoever to ever seriously present substantive testimony at a trial on the merits. The goal of plaintiffs is to win by intimidation, forcing defendants to answer various permutations & combinations of the same alleged grievances, all of which properly should be within the exclusive jurisdiction of Ohio courts. To grant a continuance under these circumstances would be to violate the premise that "Justice delayed is justice denied".
3. Defendant Herbert E. Freeman in the course of his investigation has learned that plaintiff Brenda Frank, jointly with her husband Gary Frank, has filed for bankruptcy under Chapter VII of the Bankruptcy Code. A copy of that pleading is attached hereto as an exhibit. Accordingly this claim for \$7,500,000.00 in damages and for equitable relief should now be properly held by the Bankruptcy Trustee, and pursued [if at all] by him. Said claim was not listed by Frank as an asset.

Respectfully submitted,



Herbert E. Freeman [0005364]
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CERTIFICATION

I certify that an exact copy of this pleading was sent by ordinary U.S. Mail [postage prepaid] to the following on the filing date time-stamped hereon:

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